



Attachment G2
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Board of Supervisors

*Promoting the wise use of land
Helping build great communities*

MEETING DATE November 4, 2014	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Earl J. Darway Family Trust	FILE NO. AGP2013-00014						
SUBJECT Proposal by the Earl J. Darway Family Trust to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The subject parcel (from Lot Line Adjustment COAL14-0022) consists of 46 acres located within the Agriculture land use category at 215 Green Gate Road, approximately 400 feet north east of the intersection of Carpenter Canyon Road (Highway 227) and Price Canyon Road, 2.5 miles south east of the City of San Luis Obispo. The site is in the South County Planning Area, San Luis Obispo Sub Area South.									
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows: <table><tr><td>Preserve Designation:</td><td>Edna Valley Agricultural Preserve No. 43</td></tr><tr><td>Minimum Parcel Size:</td><td>40 Acres</td></tr><tr><td>Minimum Term of Contract:</td><td>20 years</td></tr></table>				Preserve Designation:	Edna Valley Agricultural Preserve No. 43	Minimum Parcel Size:	40 Acres	Minimum Term of Contract:	20 years
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ENVIRONMENTAL DETERMINATION A Class 17 Categorical Exemption was issued on September 17, 2014 (ED14-071).									
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review, Flood Hazard	ASSESSOR PARCEL NOs: 044-401-042 (ptn) & 044-161-008 (ptn)	SUPERVISOR DISTRICT(S) 3						
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040 – Minimum parcel size for agriculture category							
EXISTING USES: Existing single family residences, agricultural accessory buildings, wells, irrigated row crops									
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/vineyard, rural residences <i>East:</i> Agriculture/dry farm, horse farm, construction yard <i>South:</i> Agriculture/row crops, vineyard, rural residences <i>West:</i> Agriculture/vineyards, rural residences									
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None									
TOPOGRAPHY: Generally flat		VEGETATION: Row Crops (cultivated area), riparian area, oak trees							
PROPOSED SERVICES: Not applicable to Agricultural Preserve application		ACCEPTANCE DATE: July 25, 2014							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER <input type="checkbox"/> SAN LUIS OBISPO <input type="checkbox"/> CALIFORNIA 93408 <input type="checkbox"/> (805) 781-5600 <input type="checkbox"/> FAX: (805) 781-1242									

PROJECT REVIEW

Background

The landowner has submitted a lot line adjustment to reconfigure three legal parcels into a new configuration. Two of the resulting parcels will be the subject parcels for the two Agricultural Preserve applications. This application (AGP2013-00014) is for resulting Parcel 2 of the lot line adjustment. Parcel 2 will be 46 acres in size. The Agricultural Preserve application is proceeding to the Review Committee for a recommendation before the lot line adjustment is acted on at a Planning Department Hearing so that Williamson Act issues can be addressed and considered with the lot line adjustment.

Residential Density and Williamson Act Land Conservation Contracts

In 2004 in response to some flagrant abuses of the program in other localities, Government Code Section 51250 (AB 1492), also known as the Laird Bill, was passed as an additional enforcement tool in order to help curtail improper use of contracted agricultural land. The county amended the Rules of Procedure as well as various land use ordinance sections in 2007 to implement this legislation.

The primary concern is to prevent construction of buildings that are not related to an agricultural or compatible use taking place on the property. One of the most common land use issues involves multiple residences on contracted agricultural land. Because our inland land use ordinance allows two primary residences on each legal parcel over 20 acres in size and contracted properties are restricted to one residence per contract minimum parcel size, new properties applying for land conservation contracts must be reviewed for residential density. (What may be allowed by zoning may not be allowed by a land conservation contract since contracted property is more restricted.)

The site (Parcel 2 of the lot line adjustment) has two existing primary residences. If a land owner doesn't have twice the minimum parcel size acreage in their landholding they may apply for a second residence under the "Farm Support Quarters" section of the Land Use Ordinance. In this case the landowner would qualify for Farm Support Quarters based on acreage planted in irrigated row crops. Prior to entering into a contract the land owner will need to apply for and enter into a Farm Support Quarters agreement for the second residence.

Site and Area Characteristics

The property is flat and is currently used for irrigated row crops. A small area of oak trees and the homesites and barns consume approximately 5.5 acres of the property. The following table shows the Natural Resources Conservation Service soils rating of the site:

Land Capability Class		Irrigated Row Crops	Homesite & barns	Fallow/Oaks	Acres
If Irrigated	Non-Irrigated				
1	3	0.5	na	na	0.5
3	3	40	2	2	44
4	4	na	0.5	1	1.5
Totals		40.5	2.5	3	46

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Establishing an Agricultural Preserve

The Rules of Procedure provides that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The 46 acres in Parcel 2 exceeds the gross acreage necessary to qualify as a prime-land agricultural preserve.

A prime-land preserve must also have 40 acres of Class 1 or 2 irrigated land under production (typically in fruit or vegetable row crops), irrigated Class 3, 4, 6 or 7 soil (planted with orchards or vineyards) or Class 3 or 4 soils (planted in all other irrigated crops – typically alfalfa or irrigated pasture). Since Parcel 2 has 40.5 acres planted in irrigated row crops on Class 1 & 3 soils it qualifies for a prime-land preserve because it exceeds the 40 acre minimum prime soils required to qualify for a prime land agricultural preserve.

Qualifying for a Land Conservation Contract

To qualify for a land conservation contract the property must also meet the eligibility requirements for individual land conservation contracts and have (in this case) 40 acres of irrigated crops on Class 1 & 3 soils. The property qualifies for a land conservation contract by having 40.5 acres of irrigated row crops on Class 1 & 3 soils. (Table 1 Section B. 1.c).

The appropriate minimum parcel size is 40 acres and the appropriate term of the contract is 20 years since the site is located over one mile from the city limits of San Luis Obispo.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on September 29, 2014, at the U.C. Cooperative Extension Auditorium, 2156 Sierra Way, San Luis Obispo, California, at 1:30 p.m.

Terry Wahler: presents the staff report, describes the property, the agricultural use and the basis for eligibility. Explains that the subject of this application is Parcel 2 of COAL 14-0022; currently in process.

Irv McMillan asks about residential density. Terry Wahler explains the need to enter into a farm support quarters on one of two existing residences because the Rules of Procedure now limit primary residences to one primary residence per contract minimum parcel size which is 40 acres in this case. Additional residences must qualify as Farm Support Quarters and enter into a Farm Support Quarters Agreement.

Discussion ensues.

Jamie Kirk, agent, present and available for questions

Bill Robeson: Opens Public Comment with no one coming forward.

Following the discussion, Jennifer Anderson moved to recommend the Board of Supervisors approve this request to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. **Preserve Designation: Edna Valley Agricultural Preserve No. 43; Minimum Parcel Size: 40 acres. Minimum term of Contract: 20 years.** This motion was seconded by Dick Nock, and unanimously approved on an 8-5 vote with the Farm Advisor, Farm Bureau, Soil Science, Public at Large and Land Conservancy of San Luis Obispo County members being absent.

RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to establish an agricultural preserve to the Board of Supervisors as follows:

Preserve Designation:	Edna Valley Agricultural Preserve No. 43
Minimum Parcel Size:	40 Acres
Minimum Term of Contract:	20 years

FINDINGS

- A. The proposed establishment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, Agriculture Element, the Conservation and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- B. The proposed establishment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.

Report prepared by Terry Wahler
Agricultural Preserve Program